

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 remain active in this case and Claims 1, 5, 7, 8, and 11 having been amended by the present amendment.

In the outstanding Office Action, Claims 1-3 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by Kim (USP 5,742,397), Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kim and in view of Kawashima et al. (USP 5,124,562, hereinafter "Kawashima"), Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kim, Kawashima, and in further view of Yamada et al. (USP 5,323,016, hereinafter "Yamada"), Claims 7 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Toida et al. (USP 6,522,911, hereinafter "Toida") and in further view of Kim, Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Toida, Kim, and in further view of Macosch et al. (USP 4,298,283, hereinafter "Macosch"), Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Toida, Kim, and in further view of Kawashima, and Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Toida, Kim, and in further view of Yamada.

In light of the outstanding grounds for rejection, the claims have been amended to clarify the claimed invention and thereby more clearly patentable define over the cited prior art references. Support for the changes to Claim 1 can be found in the description of the first embodiment. Specifically, a characteristic of the invention of amended Claim 1 is that when the measuring light (or reflected light) is blocked out by the pellicle frame, the autofocus control is stopped.

Support for the changes to Claim 7 can be found in the description of the second embodiment. Specifically, a characteristic of the invention of amended Claim 7 is that the

position in which the measuring light (or reflected light) is blocked out by the pellicle frame is recorded beforehand, and the autofocus control is stopped at the recorded position.

The characteristic steps of the claimed method in each of Claims 1 and 7 are recited after the phrase “the method comprising” stated in each of amended Claims 1 and 7.

Applicants’ invention is directed to a method performed in conjunction with a conventional apparatus including an optical system, a moving mechanism and an autofocus mechanism, i.e., an apparatus which itself is well-known.

The claimed method is directed to adjusting the surface level of a specimen with a pellicle frame. However, in the main reference Kim, there is no disclosure concerning the pellicle frame.

The known autofocus mechanism relies on the intensity of the reflected light of the level measuring light to focus the optical system on the specimen surface. When the pellicle frame blocks the reflected light, the basis for the focusing is lost. Therefore, there is a possibility of the servo driving the autofocus mechanism becoming out of control. In other words, it becomes impossible to adjust the level of the mask into the appropriate position.

The Applicants’ claimed invention addresses these problems, and it is respectfully submitted that the claimed invention is neither disclosed nor obviated by Kim or the other cited references whether these references are considered alone or in combination..

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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